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T. D. R. M. S.

SATURDAY, OCTOBER 1, 1859

MASONIC BODIES OF KENTUCKY.—The Grand Lodge, Grand Chapter, and Grand Council of Freemasons of Kentucky, will assemble in Louisville the coming month, as follows: the Grand Lodge, Monday, October 17th; the Grand Chapter, Tuesday, October 18th; the Grand Council, Wednesday, October 19th. The Grand Council of High Priesthood will likewise convene on the night of the 19th. This, says the Courier, is the first meeting of these bodies that has been held in Louisville since August, 1840—a period of nineteen years. Geo. Breckinridge, who died in May last, was then Grand Master. There were then fifty-four lodges on the rolls; there are now 312. The same disproportion existed in relation to the other Masonic bodies when compared with their present status.

About three hundred regular delegates may be expected to be in attendance at the coming sessions, and of visitors some two hundred more. The meetings will hold, probably, until Friday morning the 21st. The election of officers in the Grand Lodge will be held on the second day of the session.

The officers of the various Grand bodies are—Grand Lodge, Robt. Morris, Grand Master; J. M. S. McCorkle, Grand Secretary—312 lodges, 11,500 members. Grand Chapter, William M. Samuel, Grand High Priest; Philip Switzer, Grand Secretary—68 chapters, 1,061 members. Grand Council, Philip Switzer, Grand Puissant; A. G. Hodges, Grand Recorder—26 councils, 718 members.

A general school of instruction will be held under the superintendence of the Grand Master, commencing October 10th, and continuing through the week. This is the fourth general session held by him through his official term.

THE ACORN.—We acknowledge the receipt of a neat little semi-monthly bearing the above title, published under the auspices of the "Sayrean Literary Society," of this place. Messrs. H. Boyer, Jr., T. B. Gray, and T. B. Ford, young gentlemen of acknowledged talent, are its leading editors. In the number before us we notice several articles of decided merit, and the whole paper is gotten up in good taste.

It is not expected that the publication of the Acorn will prove pecuniarily profitable to its editors, but as a medium through which the young men of the town can give their labors to the public, and improve themselves in composition, it deserves a liberal patronage from our citizens. Terms, five cents per number.

✓We had the pleasure of a visit yesterday from our good-looking and clever friend J. M. Heath, Esq., of the well known Dry Goods firm of Durkee, Heath & Co. of Louisville. For the extensive business done by this firm, and the rare inducements offered to those wanting dry goods, carpeting, and house-furnishing articles, see their advertisements in another column. We are personally acquainted with the gentlemen composing the firm, and endorse them and their goods to our friends.

THE CHAMP CASE.—The argument in the Champ case closed yesterday evening, and the matter was left in the hands of the Judges. The latter, it was understood at a late hour last night, after due deliberation, decided upon recommending their friends to have their clothes made by Jno. W. Voorhis. This decision, we have no doubt, will give universal satisfaction, with regard to the opinions of the counsel on the other side.

ARMS ORDERED.—The Secretary of the Navy has ordered seven hundred of the celebrated "Barnes" breech-loading rifles. This gun, in the hands of an expert, can be loaded and fired six and seven times in a minute with such unerring precision that nearly every shot will fall fatally upon an enemy at half a mile. The Department had previously ordered a number of Colts', Josslyn's, and Sharp's rifles for the naval service, but have not yet exhausted the appropriation of \$100,000 for these arms.

✓The celebrated rape case, from the Fayette Circuit Court, Champ vs. Commonwealth, was argued at length upon a petition for new trial, in the Court of Appeals on yesterday and the day before. Distinguished counsel appeared on both sides, among whom we notice Hons. J. C. Breckinridge and J. W. Moore, James F. Robinson, Esq., and Maj. G. W. Williams.

✓Mr. Fisher, of Patterson, N. J., has constructed a steam-carriage, which promises excellently. A few days since it steamed to Aquackanonk on the common road. Twelve passengers were on board, and the carriage went on the level 15 miles an hour. One mile was run in three minutes. The builder does not doubt that, when completed, the carriage will run anywhere.

✓The Massachusetts House of Representatives, by a vote of 142 to 31, have expunged the word "white" in the militia laws, which has hitherto stood a hindrance to the organization of colored military companies.

The result will doubtless be the organization of companies of black-guards.

✓W. S. Darnaby, Esq., Senator from the Scott and Fayette district, and James G. Leach, Esq., Representative of Henry county in the State Legislature, are now in Frankfort attending the session of the Court of Appeals.

✓The Legislature of Tennessee meet on Monday next.

THE CROP PROSPECTS IN TEXAS.—The Houston (Texas) Telegraph says: Notwithstanding this has been a season memorable for its drought in many parts of Texas, the cotton planters, thus far, have not been seriously affected by it, or troubled by the worm, in any part of the State. In many places the planter will make a good deal more than he can pick. Where this is the case, of course the crop will rank higher and bring the best price. We verily believe that Texas will send at least 350,000 bales, if not 400,000, to the market during the next commercial year. The sugar cane, as far as we can hear, is equally promising, and the largest crop of sugar will be made that has ever been realized in Texas. This, with the increased facilities of transportation afforded by the sugar-road, will add very materially to the wealth of that country, already the wealthiest, to the population, in the United States.

GENERAL JACKSON A SCHOOLMASTER.—Who would have thought it? It is nevertheless true, that Old Hickory began his career as a teacher of an "Old Field School," in South Carolina, and in that vocation earned the money which supported him while he studied law. This is one among many curious and unexpected facts presented in Mr. Parton's forthcoming *Life of General Jackson*.

DEATH OF THE OLDEST METHODIST MINISTER IN THE WEST.—The Ohio Statesman announces the death of the Rev. Jacob Young, of the Methodist Episcopal Church. He died at the residence of his son, at Harrisburg, Franklin county, Ohio. He was probably the oldest man and the oldest minister in the West if not in the United States. He was beloved by all who knew him.

✓The Americans of New York, at their State Convention, nominated half the Republican and half the Democratic ticket. They probably wanted to show that they held the balance of power. Twenty-one delegates protested, and many of the rank and file are indignant.

FOR PRESIDENT AND VICE PRESIDENT.—The Dover (Penn.) Intelligencer places at its masthead the following ticket:

For President—R. M. T. Hunter, of Virginia.
For Vice President—Daniel S. Dickinson, of New York.

(From the Canton Yeoman.)
Magoffin's Position.

The Paducah Herald, and some papers profess not to understand Gov. Magoffin's position upon the question of protection, and they intimate that views promulgated in his inaugural are antagonistic to those expressed by him during the late canvass. We have a high opinion of the ability of these able and well conducted journals, and cannot help but say that they misrepresent the position of Magoffin. The record fails to show any such conflict of opinions and positions as those contended for by the Herald. We have all along understood Magoffin to hold the position that the Constitution, the laws and the courts afforded ample protection at present to all kinds of property (slaves included) in the Territories, and that as no exigency had arisen to demonstrate their insufficiency for that purpose; so there was no necessity to appeal to Congress for the enactment of a slave code for the Territories. And reason and common sense alike support him in this conclusion. For among these things, we have no need for any remedy. And we had understood the whole press, both Opposition and Democratic, to concur in the sentiment, that no appeal should be made to Congress for the enactment of laws for the protection of slavery in the Territories until it became apparent that the Constitution, the laws and the courts were wholly inadequate to that purpose. Magoffin's inaugural is perfectly consistent with these views and with his platform published during the late canvass.

That he is opposed to the introduction of the vexed question into Congress, does not argue or prove that he is opposed to the principle of protection, unless it can be shown that some wrong has been perpetrated against the institution of slavery in a Territory and that the judiciary has failed to remedy it. Magoffin expresses these views in his inaugural that he set forth upon the stump during the late canvass. On all occasions he endorsed the doctrine of the Supreme Court in the Dred Scott decision, "that the right of property in slaves is distinctly and expressly affirmed in the Constitution, and that the only power over it conferred, is the power coupled with the duty of guarding and protecting the owners in their rights." He distinctly and emphatically renews his squatter sovereignty by declaring that the people shall determine the character of the institution when they have framed a constitution and proposed to come into the Union as a sovereign State, but they have no right to do so while in a Territorial condition.

He declares his adherence to the compromise of 1850 in which this vexed question was compromised from Congress to the Territorial Legislatures. He shows that this was regarded as a final adjustment of the slavery question, by both Whigs and Democrats, who in 1852, embodied a resolution in their platform, pledging themselves to abide by and maintain them inviolate.

The Kansas-Nebraska bill of 1854, was intended to localize the question and keep it from Congress, "it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Here, as Magoffin contends, the doctrine of non-intervention is distinctly enunciated, and to which the Democratic party is pledged. This principle was indorsed by the Cincinnati Convention in 1856, and by the people of the entire South. And the principle is right, and Magoffin is right in his interpretation of it as set forth in his speeches and inaugural. No state of case exists now, that did not exist in 1856 calling for protection, and that non-intervention was right then it is right now. Why then all this parade about protection?

What has occurred "to show the inadequacy of the laws" to protect slave property in the Territories? What Territorial Legislature has attempted unfriendly legislation against the rights of slaveholders? Where has any grievance been made known, calling for the interposition of the courts, and wherein have they failed to enforce their rights?

Magoffin relies upon the Constitution and the laws, and is in favor of appealing to the courts to protect the slave owner in his rights; and when all these have failed, then go to Congress.

Thus we have understood him, and so we understand him now; and so we believe the people understood him during the late canvass.

The Herald says "whenever slave property becomes unsafe in the Territories it will be the duty of Southern men to carry it back to Congress and ask protection." Surely the position of the Herald is not antagonistic to that of Magoffin; they both agree in asking for protection of Congress upon certain contingencies, the one "when slave property becomes unsafe in the Territories" and the other whenever the courts become powerless to afford adequate protection to such property, and we do not understand the advocates of Congressional intervention to require the enactment of a slave code until that period shall have arisen in our history. Until then our reliance is upon the Constitution, the laws, and the judiciary.

THANKSGIVING DAY.—A movement is on foot to procure from the Governors of the several States the appointment of a common thanksgiving day. The last Thursday in November is proposed as the day upon which the whole nation shall, for a season, suspend the business of life, and gathering around the altar, unite in a common expression of thanks to all-merciful and overruling Providence for the blessings vouchsafed to this Republic. It would indeed be a spectacle unsurpassed in moral sublimity. Thirty millions of freemen simultaneously recognizing the mercies of Heaven, and bending the knee to an overruling Providence! If the concurrence of the Executives of the several States can be had, it is proposed to perpetuate a similar observance of the same day until it shall become as much a National Festival as are now the two or three holidays already observed.

✓Joseph Oldell has retired from the editorial chair of the Central Kentuckian. He makes his adieu in a valdettory, in the last number of that paper. He proposes going "farther West."

FAIR SHOES AND BOOTS.—Our friend, Saml. Lee, has just received a splendid stock of misses', ladies' and gentlemen's boots and shoes of all kinds and styles. Mr. Lee is a very clever clem, and sells all his goods at the fairest prices. Persons who want all kinds of negro shoes and boots for the fall or winter, as well as shoes for their families, will do well to give Mr. Lee a call. His store is the second, east of Fourth street, south side of Market.

Lou. Democrat.

WOODEN WARE.—We call attention to the advertisement of J. B. Russell, of Louisville. Having occasion to visit his establishment lately, we were surprised at the great variety and quantity of his stock, comprising every thing in the house-keeping line, that can be found in similar stores, in the Eastern cities. Louisville has now a Wooden Ware establishment equal to any in Cincinnati or St. Louis, and we hope it will be well supported.

METCALFE'S REPORTS.—The first volume of Metcalfe's Reports of decisions of the Court of Appeals of Kentucky is bound and ready for delivery, and may be had of the Reporter or at either of the book stores in Frankfort. Price \$5 per volume. Persons wishing a volume sent by mail may remit the price and it will be forwarded postage paid. au23 tf

MARRIED.

In Woodford county, on the 2nd inst., by Rev. L. H. Blanton, Mr. HENRY BYRON BOWMAN to Miss Mary R. C. youngest daughter of William M. Todd, Esq.

On the evening of September 29, 1859, by the Rev. Mr. Craig, Thomas P. JACOB to EXTRA PORE, daughter of Wm. H. Pope, all of Louisville.

On the 27th inst., by the Rev. Stuart Robinson, Mr. WILLIAM M. H. to Miss ANNE E. E. daughter of the Rev. E. A. Sawtell, of Ilwaco, France.

DIED.

On the 17th inst., at the residence of John Morris, in this county, CYNTHIA ANN, infant daughter of E. A. W. and Cynthia Roberts, of this place, aged 10 months and 10 days.

In Franklin county, on Friday, the 16th inst., Mrs. FRANCIS A. WRIGHT, wife of Mr. Stanton Wright.

Fine Dry Goods.

GUTHRIE & BROTHERS have opened one of the largest and best assortments of elegant Silks of every description to be had in the West. They are now receiving a fine stock of Velvet and Cloth Cloaks of the latest Parisian styles. In rich Delaine Robes, Irish Poplins, French Merinos of every shade and figure, their purchases are ample and select. For the better class of choice Dress Goods, ladies' dresses, and those visiting the city, will call upon this house and examine their stocks. In Sample Goods and Domestics of every character, Hosiery, Embroideries, Linen Goods, &c., their stock is complete and unusually heavy. The whole may be had at the lowest prices, east side of Fourth, between Market and Jefferson streets, Louisville, Ky.

A LIST OF LETTERS

REMAINING in the Post-office at Frankfort, Ky., on the 20th day of September, 1859, which if not taken out in three months will be sent to the Dead Letter Office.

Adams, Joseph B. Allen, Wm.

Bowditch, Master M. Bell, Miss Sweeney Bartlett, James T. Bates, Wm. C. Berry, Mrs. Frances Bell, Wm. H. Bailey, E. J.

Crittenden, Mrs. H. B. Con, John Carson, F. W. Conway, Miss Jennie Clark, Wm. C. Clinton, Joseph Crankston, Cornel Crampton, Susan Cameron, D. Cherry, Miss Mary C. Culpeper, D.

Driscoll, Michael Evans, Michael Davenport, Wm. J. Deidach, H.

Elliot, John C. Eirenbrown, G. Exum, Ben. Eaton, William

Featherston, Mrs. Marg. Finch, Joseph Fitzgibbon, John Franklin, John French, Hiram Frazer & Co., W. H. Frost, Miss Mary

Granger, Frank Gregory, E. W. Hand, Mrs. Rebecca Harris, Jane Mrs. Hawkins, Miss E. C. Heford, J. B.

Hornbry, Jacob Hanes, Mrs. Rachel Hallett, Mrs. Louisa Hamsbrough, Mrs. M. L. Hicks, Mrs. Louisa Hawkins, Mrs. S. A. Hendon, M. A. 2

Hornbaker, Aaron O. Weir, Samuel Walsh Patrick

Persons calling for any of the above letters will please say they are advertised.

B. F. JOHNSON, P. M.

CLOTHING! CLOTHING!!

FOR THE MILLION!

L. LAMM is now receiving direct from the Eastern cutters one of the largest, finest, and best assortment of stocks of

Ready-made Clothing,

including Goods, Hats Caps, Trunks, Carpet Bags, etc., etc., ever brought to this city, which will be sold at the lowest prices, and on terms that will induce all to call at our store and examine these

at St. Clair streets, Frankfort, Ky.

Vesper Gas.

WE are the Agents for the VESPER GAS, and are prepared to supply customers with Lamps and Oil Gas at manufacturers' prices. The public are invited to call at our store and examine these

W. B. KEESE & CO.

Door-Keeper of the House.

We are requested to announce ANDERSON GRAY, of Harrison county, as a candidate for Door-keeper to the next House of Representatives.

We are requested to announce V. B. CARTER, of Union county, as a candidate for Door-keeper to the next House of Representatives.

We are requested to announce J. P. Orr, Jr., of Owen county, as a candidate for Door-keeper to the next House of Representatives.

We are authorized to announce JAMES F. DUNN, of Harrison county, as a candidate for Door-keeper of the House of Representatives.

Sergeant-at-Arms of the Senate.

We are requested to announce ALEXANDER HENNS, of Franklin county, as a candidate for Sergeant-at-Arms of the next State Senate.

Assistant Clerk of the House of Reps.

We are authorized to announce W. W. GRIFFIN, of Harrison county, as a candidate for the office of Assistant Clerk of the next House of Representatives.

Door-keeper of Senate.

We are authorized to announce ANTHONY CROCKETT, of Franklin county, as a candidate for Door-keeper of the next State Senate.

Sergeant-at-Arms of the House.

We are requested to announce Wm. N. ROME, of Fayette county, as a candidate for re-election to the office of Sergeant-at-Arms to the next House of Representatives.

Clerk of the House.

We are authorized to announce CLINTON McCLEARY, of Owensboro, as a candidate for re-election to the office of Clerk of the House of Representatives of the Kentucky Legislature.

Assistant Clerk of the Senate.

We are authorized to announce ALFRED H. LAMON, of Boone county, as a candidate for Assistant Clerk of the State Senate.

SPECIAL NOTICES.

School Notice.

The City Public School will open on Monday morning next. Every body invited to send their children free of charge.

New Goods!

R. RUNYAN,

(At Baker & Runyan's Old Stand, St. Clair St.) is now opening the largest and handsomest stock of Dry Goods, &c., right from the East, that he has ever imported. He will sell them at the lowest possible rate, FOR CASH DOWN, and will make it to the real advantage of all to buy of him. Give him a call; Runyan is all right.

Metcalfe's "Kentucky Reports," Vol. 1.

Just ready and for sale by KEENON & CRUTCHER, bookbinders, Frankfort, Ky. Price \$5.

Persons at a distance, including the price, will have the work forwarded to them by mail, postage paid.

NATIONAL HOTEL,

Corner Fourth and Main Streets, LOUISVILLE, KY.

KNOTT & HARROW,

PROPRIETORS.

Wooden Ware Store.

THE subscriber has established at Louisville a large and complete stock of

WOODEN WARE,

that now enter so largely into daily consumption. We have on hand a large stock of all kinds of Whisks, Covered Cedar Cans, Wash-Basins, Clothes-Pins, Measures, Sieves, Mops, Baskets, Matches, Buckets, Barrels, Caskets, Flour Sifters, Brooms, Paper Ax Handles, Mallets and Horse Bands, Clothes-Hampers, Cedar Chests, Toy Carts, &c., &c., and a large variety of other articles, all of which are made under his own supervision; and his stock is fresh, clean, and in saleable condition. He hopes to receive a share of the Country Trade.

J. B. RUSSELL, 200 Main st., between Third and Fourth, LOUISVILLE, KY.

RAN AWAY

FROM the subscriber, about the 1st of September, a dark MULATTO WOMAN. Her name is SALLIE CARTER. She is about forty-five years old; small size; rosy face; side in walking; has lost some of her front teeth; but under her very prominent. She was raised by Mr. John Lewis, of this county, and is supposed to be in that neighborhood. If any person has information of her whereabouts, or if they see her, please to inform the subscriber, and he will give her for her apprehension and to be sent in the Franklin County Jail twenty-five dollars, if taken in this county; fifty if out of this county, and in the State, and one hundred if out of the State.

J. O. L. HERRIN-SMITH, oct1 wdt-wtf

MILLINERY.

BONNETS,

RIBBONS,

FLOWERS,

FEATHERS,

RUCHES,

HEAD DRESSES,

HAIR PINS,

CLOAKS,

And Other Millinery and Fancy Goods,

of the latest Paris and New York styles, now open at No. 16 West Fifth street, Cincinnati, Ohio.

at 206 West Fifth street, Cincinnati, Ohio.

TO HOUSEKEEPERS

And all Others in Want of

CARPETINGS,

FLOOR OIL CLOTHS,

WINDOW SHADES, CORNICES,

Rugs, Mats, &c., &c.

SAVE YOUR MONEY

Save a large per centage in the

Purchase of these Goods by

Looking through our

FALL STOCK,

THE LARGEST IMPORTED THIS SEASON,

Country Merchants

Are particularly invited to give us a call. We will offer them RARE INDUCEMENTS.

DURKEE, HEATH & CO.

107 Fourth Street,

LOUISVILLE, KY.

sep27 wdt-wtf

CINCINNATI ADVERTISEMENTS.

GREAT POPULARITY!

The Sacred Melodeon,

BY A. S. HAYDEN.

HAS uniformly given, so far as the Publishers know, entire satisfaction to all churches and Musical Associations that have used it. Scores of practical teachers have praised the book and have in many instances, purchased it for their own use. One Hundred Thousand and Two Hundred Thousand Copies,

and is now in larger demand than ever, and if anything can, take the work out of the domain of criticism.

Two reasons will chiefly account for the great success of this volume:

First—The character of the Work. It represents a new and greatly improved system of notation. In it much that is abstract and difficult in this delightful science is so simplified that months are made equal to years in the common way of learning the practice of musical art.

Second—The Quality and Style of Music. Many new pieces, destined to please as long as music lasts, may be found on its pages, and also many of the old and tried melodies, hallowed from associated recollections of youthful delights, and far more welcome to the heart of the war-shipper than others frequently substituted for them.

The musical execution of the work is superior altogether to the majority of Eastern Music Books, and the price much lower.

The work may be had of Booksellers in all the principal cities and towns, or may be ordered direct from the Publishers.

Copies for examination, sent post-paid to Teachers, Leaders of Chorus, &c., for seventy-five cents, remitted in postage stamps.

Also, Just Published:

ORIGINS: A Complete Hymn and Tune Book for Sabbath Schools, by Wm. B. Bradbury, the popular author of "The Sabbath School Chorus," "Sabbath School Melodies," and other juvenile Music Books; also, author of "The Shaving," "Lullabies," &c., &c.

MOORE, WILSON, KEYS & CO., Publishers, 25 West Fourth street, Cincinnati.

For sale by sep29 wdt-wtf Wood st., Pittsburgh.

DRY GOODS AND CARPET STORE.

JOHN SHILLITO & CO.,

Nos. 101, 103 and 105 West Fourth St. CINCINNATI, OHIO.

IMPORTERS OF

DRY GOODS AND CARPETING.

RESPECTFULLY inform their customers and purchasers generally that they are now opening an extensive and complete assortment of

Dry Goods, Carpeting, Floor Oil Cloths, &c., &c.

Families, Hotel Keepers, Steamboat owners, and all others may depend upon finding the best class of Goods, at prices as low as they can be purchased in the Eastern cities.

sep29 wdt-wtf

MANUFACTURERS' ARTICLES.

J. & C. REAKIRT.

52 Second Street, Cincinnati, O.

KEEP A FULL SUPPLY OF

Manufacturers' Articles,

Carriage Machines,

Warp on Beam, assorted colors,

Machine Cards,

Wire Ropes and Frames,

Shirtings,

THE TRI-WEEKLY YEOMAN.

DECISIONS
OF THE
COURT OF APPEALS OF KENTUCKY.

Reported expressly for the Yeoman by CHARLES F. CRAMBOCK, Attorney at Law, Frankfort, Ky.

Fleming vs. Linebaugh. Appeal from Jefferson.

This was an action brought by Mrs. Linebaugh vs. Fleming, before a Justice of the Peace of the City of Louisville, for breach of contract of partnership entered into by the parties for the purpose of keeping and conducting a hotel in Louisville. She alleged that she had sustained damages to the amount of \$100 by reason of Fleming's violation of and failure to comply with the stipulations of the contract.

A motion was made by the defendant to dismiss the action upon the ground of jurisdiction, which was overruled, and a judgment rendered against him for \$100 and costs. He appealed to the County Court of Jefferson, and that Court affirmed the judgment of the justice, and overruled a motion for a new trial; whereupon Fleming prosecuted this appeal.

The Court, per Judge Stites, held—

The first ground relied on for reversal, and which this Court considers fatal to the judgment, is this: That the Justice of Peace had no jurisdiction of the matter in controversy, and that the County Court should therefore have dismissed the case.

The Justice of the Peace certainly had no jurisdiction over the matter in controversy—being more than fifty dollars in amount—unless such jurisdiction was conferred by the act of 1855-56, entitled "An act to increase the jurisdiction of Justices of the Peace in Jefferson county and the City of Louisville." (Session Acts, 1855-56, 123.)

The first section of this act provides: "That Justices of the Peace in Jefferson county and the City of Louisville shall have original common law jurisdiction of causes of action for the recovery of money or personal property evidenced by writing or due by account, where the amount in controversy does not exceed one hundred dollars; and the proceedings shall be the same as are now had before said Justices, and appeals may be prosecuted as in other cases."

By the 29th section of the Civil Code it is declared that "the Courts of Justices of the Peace shall have jurisdiction exclusive of the Circuit Court, but concurrent with the Quarterly Court, of all actions and proceedings for the recovery of money or personal property, where the matter in controversy does not exceed fifty dollars in value, and in other cases specially provided by statute." But by the act, *supra*, this jurisdiction as to the Justices in Louisville and Jefferson county is extended to \$100—not, however, in all actions involving that amount, but only in actions "for the recovery of money or personal property evidenced by writing or due by account."

This action was for one hundred dollars; but it was for neither personal property nor for money or debt evidenced by writing, nor for money due by account. It was for unliquidated damages claimed for a breach of a contract of partnership, to be assessed either by a court of equity upon a settlement of the partnership accounts, or by a jury upon issues of fact framed by the parties and clearly not within the class of cases contemplated by the act, *supra*. That the Justice had no jurisdiction to the extent claimed in the warrant was manifest upon the face of the record; and it was erroneous for the County Court to affirm a judgment which was void for want of jurisdiction in the Justice.

The order of the County Court should have been, to dismiss the proceeding for want of jurisdiction to try it in that form. (3 *Dana*, 588; 7 *Dana*, 168.)

The judgment is therefore reversed, and cause remanded with directions to the court below to make an order dismissing the case as herein indicated.

COURT OF APPEALS.

THURSDAY, Sept. 28, 1855.

CAUSES DECIDED.

King et al v Smith et al, Jefferson; affirmed. Phillips v *Stoy's adm'r*, Jefferson; affirmed. Bird et al v Brewster, Lou. Chy.; reversed. Keenan v *Waiser*, Lou. Chy.; affirmed.

James v Ward, Franklin; reversed. Preauett and Wife v *Atkinson*, Graves; reversed.

ORDERS.

Sayre et al v Lawless & Hidden, Lou. Chy.; set for 50th day of term. Howard v *Triplett's ex'r*, Daviess; plea of limitation filed and judgment in bar. Frazee et al v *Black et al*, Lou. Chy.; cross appeal granted.

Craucher & Humphreys v McDowell & Young, Daviess.

North Western Bank of Virginia v *Ruffner et al*, Lou. Chy.;

Johnson v Johnson, Lou. Chy.;

Roth et al v Smith & Co., Lou. Chy.; were argued.

Millet v Parker et al, Henderson; argued by Crickett for appellee.

Chammy v Commonwealth, Fayette; argued by Williams for appellee and Robinson for appellant.

CAUSES DECIDED.

Frost v Bishop's adm'r, Hopkins; affirmed. **Fulton v Cooke**, Bond; reversed. **Sweeney et al v Jones**, Simpson; affirmed. **Landrum v Towbridge**, Dwight & Co., Fulton Circuit Court; reversed.

ORDERS.

Jane v Commonwealth, Owen; set for next Thursday, the 6th October. **Durkee Heath & Co v Rice**, Lou. Chy.; agreement filed. **Farnham, Kirkham & Co v Little & Stokes**, Lou. Chy.;

Bannon v Gately & Demster, Lou. Chy.;

Seamlin v McElroy, Lou. Chy.;

Helm et al v North, Lou. Chy.;

Smith et al v Warren, Lou. Chy.;

Lewis v Quinker, Lou. Chy.; were argued.

Champ v Commonwealth, Fayette; argued by Williams for appellee and Robinson for appellant.

From Washington.

WASHINGTON, Sept. 29.—The Secretary of the Navy has recently made arrangements for the reception of an additional number of acting midshipmen at the Naval Academy. As to 30 or 40 of them, members of Congress which have been the longest time without appointments, some as far back as 1855, will be requested to make nominations of youth for admission in accordance with the existing law.

The receipts for the week ending on Monday amounted to \$1,509,000, the drafts paid to \$1,408,000, and the drafts issued to \$40,000. The amount subject to draft is \$5,163,519. The increase over last week was more than \$750,000, or \$1,000,000 within the last two weeks.

The President has appointed Wm. G. Jones as Judge of the U. S. Court for the Northern and Southern Districts of Alabama, vice G. A. Cooper. The name of at least ten other gentlemen had been mentioned in connection with this office.

General Joseph, who was seriously sick in New York, has returned to Washington, being convalescent.

Democratic Convention.

SPRINGFIELD, Ill., Sept. 28.—The Democratic Convention of the Sixth Congressional District, today nominated Hon. John A. McClelland for Congress. Resolutions were adopted indorsing Douglas and popular sovereignty.

The Inauguration of the Webster Statue at Boston.

The bronze statue of Daniel Webster, by Hiram Powers, was inaugurated on Sunday last. This is the statue which Higher Law Abolitionists demands shall be removed from the State-House grounds in Boston, because Mr. Webster believed the requirements of the Constitution should be carried out and the law of the land enforced.

The orator of the day was the Hon. Edward Everett. We make room for an extract of this eloquent oration, and regret that we are not able to give the whole of it:

On the 17th of July, 1804, a young man from New Hampshire arrived in Boston, all but penniless and all but friendless. He was twenty-five years of age, and had come to take the first steps in the career of life at the capital of New England. Three days after arriving in Boston he presented himself, without letters of recommendation, to Mr. Christopher Gore, then just returned from England after an official residence of some years, and solicited a place in his office as a clerk. His only introduction was by a young man as little known to Mr. Gore as himself, and who went to pronounce his name, which he did so indistinctly as not to be heard. His slender figure, striking countenance, large dark eye and massive brow, his general appearance indicating a debate organization, his manly carriage and modest demeanor, arrested attention and inspired confidence. His humble suit was granted; he was received into the office, and had been there a week before Mr. Gore learned that his name was Daniel Webster. His older brother—older in years, but later in entering life—for whose education Daniel, while teacher of the Academy at Friesburg, had drudged all night in the office of the Register of Deeds, at that time taught a small school in Short street (now Kingston street), in Boston, and while he was in attendance at the commencement at Dartmouth, in 1804, to receive his degree, Daniel supplied his place. At that school, at the age of ten, I was then a pupil, and there commenced a friendship which lasted, without interruption or chill, while his life lasted; of which, while mine lasts, the grateful recollection will never perish. From that time forward I knew, I honored, I loved him. I saw him at all seasons and on all occasions, in the flush of public triumphs—in the intimacy of the fireside—in the most unreserved interchange of personal confidence; in health and in sickness, in sorrow and in joy; when early honors began to wreath his brow, and in after life through most of the important scenes of his public career. I saw him on occasions that show the manly strength, and what is better, the manly weakness of the human heart; and I declare this day, in the presence of heaven and of men, that I never heard from him the expression of a wish unbecoming a good citizen and a patriot—the utterance of a word unworthy a gentleman and a Christian; that I never knew a more generous spirit, a safer adviser, a warmer friend.

Do you ask me if he had faults? I answer, he was a man. He had some of the faults of a lofty spirit, a genial temperament, and a warm and generous nature; he had none of the faults of a grovelling, mean, and malignant nature. He had especially the "last infirmity of noble minds," and had no doubt raised an aspiring eye to the highest object of political ambition. But he did it in the honest pride of a capacity equal to the station, and with a consciousness that he should reflect back the honor which it conferred. He might say, with Burke, that "he had no arts but honest arts;" and if he sought the highest honors of the State, he did it by transcendent talent, laborious service, and patriotic devotion to the public good.

It was not given to him, any more than to the other members of the great triumvirate with whom his name is habitually associated, to attain the object of his ambition; but posterity will do them justice, and begin already to discharge the debt of respect and gratitude. A noble monument in honor of Clay, and his statue by Hart are in progress; the statue of Calhoun, by Powers, adorns the Court-house in Charleston, and a magnificent monument to his memory is in preparation; and we present you this day, fellow-citizens, the statue of Webster in enlarging bronze on a pedestal of granite from his native State, the noble countenance modeled from life, at the meridian of his days and his fame, and his person reproduced from faithful recollection, by the oldest and most distinguished of the living artists of the country. He sleeps by the multitudinous ocean, which he himself so much resembled in its mighty movements and its mighty repose; but his monumental form shall henceforward stand sentry at the portal of the capital; right hand pointing to that symbol of the Union on which the left reposes, and his imperial gaze directed, with the hopes of the country, to the boundless West. In a few short years, whose eyes have rested on his majestic person, whose ears have drunk in the music of his clarion voice, shall have come to our rest; but our children, for ages to come, as they dwell with awe-struck gaze upon the monumental bronze, shall say, O that we could have seen, O that we could have heard the great original!

Two hundred and twenty-nine years ago, this day, our beloved city received from the General Court of the Colony the honored name of Boston. On the long roll of those whom she has welcomed to her nurturing bosom is there a name which shines with a brighter luster than his? Seventy-two years ago this day, the Constitution of the United States was tendered to the acceptance of the people by George Washington. Who of all the gifted and patriotic of the land, that have adorned the interval, has done more to unfold its principles, assert its purity, and to promote its duration.

Here, then, under the cope of Heaven; here on this lovely eminence; here beneath the walls of the capital of old Massachusetts; here, within the sight of those far New England villages; here, in the vicinity of the graves of those who planted the germs of all this palmy growth; here, within the sound of sacred bells, we raise this monument, with loving hearts, to the statesman, the patriot, the fellow-citizen, the neighbor, the friend. Long may it guard the approach to these halls of council; long may it look upon a prosperous country; and, if days of trial and disaster should come, and the arm of flesh should fail, doubt not that the monumental form would descend from its pedestal, to stand in the front rank of peril, and the bronze lips repeat the cry of the living voice—"Liberty and Union, now and forever, one and inseparable!"

Southern Pacific Railroad.

MARSHALL, TEXAS, Sept. 29.—The State suit against the Pacific Railroad has been decided in favor of the defendants. Mr. Fowles is in possession of the road and the rights and franchises of the new company. Both sides are actively opposing. The people of Texas have full confidence in the success of the enterprise.

The Clay Monument is nearly completed. A few days ago the workmen were raising the statue to its position. When the statue is in place, the monument will be one of the handsomest works of art in the whole country.—*Statesman*.

Washington Items.

WASHINGTON, Sept. 28.—The correspondent of the Herald says: "I am informed that some additional proposals to those already before our Government, have recently been submitted by Mexico, in regard to the settlement of claims, and for the protection or the manner of protecting the transit route. Among the proposed stipulations to be considered by Secretary Cass and the Mexican Minister is an important one relating to the settlement of claims of citizens of the United States upon Mexico, which requires that the claims be adjudicated by commissioners, two to be appointed by the President of each Government, and an umpire to be elected by the commissioners, or in case of their disagreement, by the Secretary of State and the Mexican Minister. And the amount of such adjudicated claims over the two millions of dollars which the treaty has provided for the payment of them is to be settled by annual payments of equal amounts, with interest at six per cent. and paid. Bonds to be given for the amount, which will be receivable by the Mexican Government for any export or import due to that Government."

"It is proposed also to obviate the objections of the Mexican Government to our proposition for the protection of the transit routes by the appointment of a commissioner by each government, to reside at suitable locations, which case of disturbance of the peace in any route, is to make the necessary demand of the Mexican authorities for troops, which, if disregarded for a period of ten days, may be made upon the nearest land or naval forces of the United States, who, after giving proper notice to the commissioner, or, if he be absent, to the nearest local authority, shall proceed to the scene of disturbance and quell it."

"As an evidence of the good feeling entertained by the liberal government of Mexico toward citizens of the United States, President Juarez, has extended to a citizen of New Jersey valuable mining facilities in the State of Sonora, which were to expire on the 1st of October next, for two years longer."

The dispatches received by the government narrative of the recent expedition to the coast of China, Flag officer Tatnall, says the British officer in charge of the gun-boats—having visited him—said nothing about aid, but his silent appeal was powerful. Indeed, in the few moments he was on board the Powhattan, he would look anxiously at his admiral and at the boat. After he left, continues officer Tatnall, I held a conversation with our commissioner, Mr. Ward. He agreed with me perfectly, that under the circumstances of our position with the English, and the aid the admiral had tendered me the day before, I could do nothing that was thankless and promptly accepted. While the boats were making fast to the hawsers which I veered astern, I insisted on Mr. Ward and suite going on board one of the gun-boats, and the following day, the admiral, whose flag was flying, When casting them off, he retired to the rear of the line, and anchored for the night. He took up this position as it might enable him to aid the wounded, and should the boats be sunk, to rescue their crews—in other words, to afford all the aid consistent with neutrality."

Having been informed by a British officer that the admiral would not do so, Captain Tatnall went in a barge to visit him. When within a few feet of the Commodore, a round of shot struck the boat, killing the coxswain, Mr. Hart, of Brooklyn, N. Y., and slightly wounding Lieut. Trenchard. They reached the Commodore before the boat entirely sunk. Captain Tatnall says the Chinese commissioners had previously requested him to accompany the British and French Ministers to Peking. This he consented to, thereby to a certain extent assuming a platform with the latter. The sincerity of the commissioners was much doubted at the time.

Cherokee Chief—John Ross.

There is but little doubt, as to the re-election of John Ross, as Principal Chief of the Cherokee Nation, there being no opposition. Here we have an instance of the love of power. Ross was elected Principal Chief of the Cherokee Nation, under their first constitution, in the fall of 1828, at New Echota, Georgia, and has been the Chief ever since, being re-elected every four years. He was the Chief in 1838 when the whole tribe removed west, and after their settlement here, and the adoption of their present constitution, was chosen chief, and so great is his popularity that it is deemed useless, by those opposed to him, to put any other name against him, although he is now over sixty years of age he still enjoys power with a wonderful tenacity, having exercised the office of Chief over thirty years.

Mr. Ross has been a public man, among Cherokees, all his life, and we believe he was in power, as a President of the Cherokee Committee, as early as 1810. He is nearly white, being the descendant of Daniel Ross, a Scotchman who married a daughter of McDowell, a Scotchman who married a Cherokee woman. McDowell was, at the time of the American Revolution, Agent for George the III, among the Cherokees.

Fort Smith Times.

The Secretary of War has, in accordance with law, made an abstract report of the return of the military of the several States. New York heads the list with a "standing army" of 359,000; California has 307,730; Illinois 257,420; Ohio 176,155; Pennsylvania 160,000; Massachusetts 155,439; Virginia 154,000. The figures show a total in the United States and Territories of 2,760,736, of which 736,000 are infantry, 20,000 cavalry, 22,000 artillery, and 24,000 riflemen. No other nation has so vast and effective an army as this would be in case of need. It is practically useless for foreign invasion, or for government tyranny, but for defense it is invaluable—and yet in time of peace it costs comparatively nothing—keeps no man from his work or family, and never interferes in public affairs except to maintain order.

The Trotting Yesterday.—It was bad policy to attempt a race in the middle of the week as was done yesterday at the Woodlawn Course— independent of the fact that the managers of the track were not concerned in the management, and we were not astonished at the small attendance. The following is the result of the trotting matches:

First race—Mile heats, three best, in five—\$200 entrance. Terry, entered by W. Peabody, won the race, distancing A. Mellen's Davy and C. Draper's Henry Blair. Time, 2:50.

Second race—Two mile heats, to go—\$250 a side—won by Canada Sam. A. Duty's sorrel horse, over E. Robins' sorrel mare, Dolly macker. Time, 1st heat, 5:21; 2d heat, 5:23. The two mile heat was very exciting.

Lou. Democrat.

Two fires have occurred in Paris, within the last few days, which are supposed to be the work of the incendiary. The first on Saturday morning, burning a small frame building in the rear of the Hotel de Clugny. The second, the man who destroyed the stable and carriage house of Mr. James S. Matson, in the rear of his residence on Pleasant street. The house on the Academy lot was of little value. Mr. Matson's loss is estimated at about \$600. Our citizens should be on the watch.—*Paris Citizen*.

An Affair of Honor.—We learn that an affair of honor was to have taken place yesterday, "just across the Mississippi" between Felix Lebeaux and Henry Dockery, of Hernando, Miss., but was prevented by the interference of the Arkansas police. The weapons to be used were rifles, distance sixty yards. We did not learn whether a compromise was afterwards effected or not.

Memphis Enquirer.

Women.—Sheridan once wrote: "Women govern us—let us try to render them perfect. The more we are enlightened, so much the more shall we love." On the cultivation of the minds of women, the Memphis Enquirer writes on the hearts of men. Napoleon said, "The future destiny of the child is always the work of the mother."

Who Killed Tecumseh?

The Western Christian Advocate of this week contains an obituary notice, by Rev. A. Wright, of the Indiana M. E. Church, of Isaac Hamblin, who died at his residence near Bloomfield, Ind., a few months since, aged about eighty-six years. Mr. Hamblin was a man of deep piety and unquestionable veracity. It was in the battle of the Thames, and the writer gives the following as his statement in regard to the manner in which Tecumseh was killed:

He says he was standing but a few feet from Col. Johnson when he fell, and in full view, and saw the whole of that part of the battle. He was well acquainted with Tecumseh, having been a prisoner seventeen days, and received many a censure from him. He thinks that Tecumseh thought Johnson was Harrison, as he often heard the chief swear that he would have Harrison's scalp, and seemed to have a special hatred toward him. Johnson's horse fell under him, he himself being also deeply wounded; in the fall, he lost his sword, his large pistol was empty, and he was entangled with his horse on the ground. Tecumseh had fired his rifle at him, and when he saw him fall he threw down his gun and bounded forward like a tiger, sure of his prey. Johnson had only a side pistol ready for use. He aimed at the chief over the head of his horse, and shot near the center of his forehead. When the ball struck it sent the Indian jumping with his head full fifteen feet into the air; as soon as he struck the ground a little Frenchman ran his bayonet into him and pinned him fast to the ground.

A MODEL DICTIONARY.—It is refreshing to turn from the warfare between the publishers of "Webster and Worcester" to the waggonish suggestions of Horace and James Smith, for a dictionary which should give him the meaning of things as well as words. We publish a few specimens:

Argument.—With fools, passion, vociferation, and violence. With ministers, a majority. With men of sense, a sound reason.

Bachelor.—Plausibly derived by Junius from the Greek for foolish, and by Spelman from Baculus, a cudgel, because he deserves one. A politician who is afraid to marry, lest his wife should become his mistress, and who generally concludes by converting his mistress into a wife.

Baker.—One who gets his own bread by adulterating that of others.

King.—According to the modern doctrine, the hereditary possession of a nation, according to reason, is an absolute first magistrate.

Bed.—An article in which we sleep and pass the happiest part of our lives, and yet one which we never wish to keep.

Babies.—Noisy, laceriferous animals, much decried by those who never had any.

Tequire.—A title much in use among the lower orders.

Face.—The silent echo of the heart.

Faction.—Any part out of power.

Infant.—A mysterious meteor sent to us from the invisible world, into which, after performing the evolutions incidental to the seven ages of man, it will finally return.

Varieties.

Home Comforts.—A man's comfort is like his cigar; if he cannot get it at home, he will go in search of it elsewhere.

Historical.—A young Prince of the illustrious house of Monaco was asked why he had married a rich old woman. "Ma foi," was the gay young Prince's reply, "let me ask you, what poor man in a hurry to get an enormous bank note cashed troubles himself to look at the date of it?"

The Election Market.

Electors.—An article to be bought.

Candidate.—An article to be sold.—*Punch*.

What is Fame?—A life of the famous Countess of Huntingdon, who gave \$500,000 to religious movements, has recently been issued in England. The London Critic in giving a sketch of her ladyship, says: "Her monument has the most long-winded epitaph ever written."

Where's the Point?—The *Courier des Etats Unis*, which prides itself on its English, invariably translates Farther Point *Pointe-aux-Peres*, which is about equal to translating mare's nest and azures.

Attitude.—Jo. Cos defines the exact height of a young lady's ambition to be two little feet.

Case of Predestination.—A distinguished clergyman in Brooklyn is said to have been "born with a call."

FAMILY DISCORD PRODUCED BY A MUSIC TEACHER.—The Washington correspondent of the Journal relates the following incident, which has made some stir in the social circles in the City of Magnificent Distances:

One of the leaders of a choir here made great professions of piety, and was noisy and dogmatic in his religion. He had a wife, and founded with a lady who had a pleasant temper. The husband was a singer and the laughter was a little quite marked, and was not relished by the mother. The daughter took it into her head to go into the country. Soon after the man lost his place in an office that he held, and letters sent to him were sent over to his boarding-house. One came just before dinner one day. It was in the handwriting of his daughter. She opened it, and her worst fears were realized. Her child was ruined, and the singer was the author of her shame. He came late to dinner that day. He was welcomed by the mother with a carving-knife. He flew round the table as by magic—knives were tumbled under it, or fell shrieking away. The abuse was continued; the assaulted man for the door, the mother plunged the knife at him, and it went through the door, and he would have gone through his body had he not been agile and dodged well. He fled from the house, latens and in terror, and has not been seen since.

Missouri State Fair.

St. Louis, Sept. 28.—The principal feature of the Fair to-day was the awarding of the St. Louis prize, No. 1, of \$1,000 for the best thoroughbred bull of any age, which was taken by Duke Argyle, owned by R. A. Alexander, of Woodlawn county Ky. This ring numbered fourteen entries, embracing many of the noblest animals of the breed. The prize was given to King \$100 for four years old was awarded to King \$100, Fred, owned by J. N. Brown, of Sangamon, Ill. Stallions of all mark, fifty-six entries, first premium, Henry Clay Black Hawk, owned by Rev. J. Harris, Mason county, Mo. To-morrow, the \$1,000 prize for the best roadster stallion will be awarded.

The weather continues delightful and the influx of strangers to the city is incessant. The number of visitors to the grounds, to-day, must have reached 40,000.

The Steam Fire Department held their annual parade to-day. They visited the fair grounds and elicited universal admiration by their splendid display.

Senecio.—A FATHER'S REVENGE.—Buena Vista, Tennessee, was the scene of a tragedy a few days since. Some weeks since Mr. John F. Jackson, an opulent gentleman of that village, was informed that his daughter, a lovely girl of eighteen years, had been seduced by Dr. E. M. Smith. He forthwith sought the man who had brought disgrace upon his name, and demanded that he should repair the wrong by marrying his victim. The Doctor declined at the time, and Jackson gave him three weeks to reconsider or leave the country. At the expiration of that time, Bunch still declining to heal the wounds he had inflicted, the determined parent, resolve with the consent of wounded honor and desperation, shot Bunch down in his office. He died instantly. Jackson delivered himself into custody, and when our informant left was in the Paris (Tenn.) jail.

Lou. Courier.

Additional by the Circumstances.

New York, Sept. 28.—Cambridge K. Brune, the designer of the Great Eastern, who was prevented by sickness from going on the trial trip, has since died of paralysis.

Orders have been dispatched to India, for the troops there to proceed immediately to China, in order to prosecute the war.

The French Republic is in relation to the press are not to be modified.

The French republic closed firm on Friday, at 65f. 9c, on the Paris bourse.

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Taken internally, cures sudden Colds, Coughs, &c., &c. Stomach, Headache, Dizziness, Spinning Sick, Nausea, Vomiting, or Indigestion, Griping, Colic, and Pain in the Stomach, Bowels, &c., &c. Rheumatism, Neuralgia, Sciatica, Chorea, Diarrhea, and Dysentery.

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TERMS: For the Academic year, one half in advance, remainder 1st of February.

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REVIEWS.

Rev. J. N. Norton, Hon. James Harlan, Hon. J. J. Crittenden, Frankfort, Ky.; The Rev. R. B. Smith, Judge Lodge, Ex-Gov. Morehead, Louisville, Ky.; C. S. Bolles, Esq., Lexington, Ky.; Rev. J. W. Steele, Versailles, Ky.; H. H. Lock, Jr., St. Louis, Mo.; Hon. W. A. Lake, Vicksburg, Miss.; Geo. Swoles, Esq., New Orleans, La.; W. H. Hurst, Esq., Jacksonville, Fla., &c., &c., &c.

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